

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 3-13, and 15-17 are pending in this application. Claims 1 and 13 have been amended. No claims have been added or cancelled. Claim 1 is the sole independent claim.

Summary of Examiner Interview

Initially, Applicant wishes to thank the Examiner for his time during the February 28, 2007 telephonic interview with Applicant's representative Erin Hoffman (Reg. No. 57,752). During the Interview, it was agreed that the presently filed amendment to independent claim 1 make claim 1 allowable over the prior art of record.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 13 and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Applicants respectfully submit that claims 13 and 17 further limit an apparatus and are in no way improper. For example, claim 17 is only further defining the group of gases that the first and second source gas may be selected from (e.g., lead (Pb) or compounds thereof). MPEP § 2173.05(f) states "a claim which makes reference to a preceding claim to define a limitation is an acceptable claim construction which should not necessarily be rejected as improper or confusing under 35 U.S.C. 112, second paragraph". See also *Ex parte Porter*, 25 USPQ2d 1144 (Bd. Pat. App. & Inter. 1992) where reference to "the nozzle of claim 7" in a method claim was held to comply with 35 U.S.C. 112, second paragraph.

In addition, Applicants have amended claim 17 to recite “the second source gas is a gas inflowing into the process chamber in a heated state”.

Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 13 and 17.

Rejections under 35 U.S.C. § 102

Sakamoto

Claims 1, 3-5, 8, 10-12, 16 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sakamoto et al, US Patent 5,968,593. Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, the Examiner has indicated that independent claim 1 is sufficient to overcome the prior art of record with the present amendments. Claims 3-5, 8, 10-12, 16 and 17, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claim 1 and all claims dependent thereon.

Inokuchi

Claims 1, 3, 10 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Inokuchi et al, US Patent 6,139,641. Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, the Examiner has indicated that independent claim 1 is sufficient to overcome the prior art of record with the present amendments. Claims 3, 10 and 16, dependent

on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claim 1 and all claims dependent thereon.

Shim

Claims 1 and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shim et al, US Patent Application Publication 2003/0041804 A1. Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed above, the Examiner has indicated that independent claim 1 is sufficient to overcome the prior art of record with the present amendments. Claim 16, dependent on independent claim 1, is patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claim 1 and all claims dependent thereon.

Rejections under 35 U.S.C. § 103

Claims 1 and 3-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shim et al, US Patent Application Publication 2003/0041804 A1, in view of Sakamoto et al, US Patent 5,968,593. Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that it appears the Examiner made a mistake in including claim 1 in this rejection because the discussion in the Office Action appears to refer to dependent claim 3. As discussed above, the Examiner has indicated that independent claim 1 is sufficient to overcome the prior art of record with the present amendments. Shim and Sakamoto fail to

anticipate or suggest at least the feature of “wherein the first source gas, the heating pipe and the wafer are heated by heat radiated from the susceptor” as recited in claim 1. Dependent claims 3-11 depend from independent claim 1 and therefore include the features of independent claim 1.

Even assuming, *arguendo*, that Shim and Sakamoto were combinable (which Applicants do not admit), Applicants submit that none of the cited references, either alone or in any proper combination, cure the deficiencies of Shim and/or Sakamoto with respect to at least the previously identified feature of independent claim 1.

The Applicants, therefore, respectfully request that the rejection to Claims 1 and 3-11 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. § 1.17 and § 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application, and the required fee of \$120.00 is attached.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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